

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 24, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate pages Kassidy Kitzmiller and Trey Jones.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 38 and finds the same correctly enrolled.

Respectfully submitted,
Gary Cammack, Chair

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1092 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Bob Ewing, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration HB 1164 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration HB 1095 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration the nomination of David Lust of Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment. and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration the nomination of Michael S. Bender of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Ellsworth Development Authority and returns the same with the recommendation

1 that the Senate advise and consent to the confirmation of said reappointment and be placed on
2 the consent calendar.

3 Respectfully submitted,
4 Mike Vehle, Chair

5 Also MR. PRESIDENT:

6 The Committee on Taxation respectfully reports that it has had under consideration
7 HB 1179 and returns the same with the recommendation that said bill do pass.

8 Also MR. PRESIDENT:

9 The Committee on Taxation respectfully reports that it has had under consideration
10 HB 1121 and returns the same with the recommendation that said bill do pass and be placed on
11 the consent calendar.

12 Respectfully submitted,
13 Jeff Monroe, Chair

14 Also MR. PRESIDENT:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 HB 1065 and returns the same with the recommendation that said bill do pass and be placed on
17 the consent calendar.

18 Respectfully submitted,
19 Gary Cammack, Chair

20 Also MR. PRESIDENT:

21 The Committee on Health and Human Services respectfully reports that it has had under
22 consideration HB 1123 and returns the same with the recommendation that said bill do pass.

23 Also MR. PRESIDENT:

24 The Committee on Health and Human Services respectfully reports that it has had under
25 consideration HB 1104 and returns the same with the recommendation that said bill do pass and
26 be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration HB 1141 and returns the same with the recommendation that said bill be amended
4 as follows:

5 1141fc

6 On page 4, line 12, of the House engrossed bill, delete "Paraprofessional" and insert
7 "Assistant behavior analyst or paraprofessional".

8 On page 4, line 14, delete "national".

9 On page 4, line 15, after "The" insert "assistant behavior analyst or".

10 On page 4, line 16, delete "the" and insert "assistant or".

11 On page 4, line 16, after "as" insert "an assistant behavior analyst,".

12 On page 4, line 17, after "The" insert "assistant behavior analyst or".

13 On page 5, line 2, delete "national".

14 On page 5, line 4, delete "national".

15 On page 5, line 18, delete "National".

16 On page 9, line 14, delete "and" and insert "or".

17 On page 10, line 13, after "Any" insert "assistant behavior analyst or".

18 On page 10, line 19, before "paraprofessional" insert "assistant behavior analyst or".

19 On page 10, line 21, delete "a" and insert "an assistant behavior analyst's or".

20 On page 11, line 1, after "No" insert "assistant behavior analyst or".

21 On page 11, line 10, delete "a" and insert "an assistant behavior analyst or".

22 On page 11, line 11, after "of" insert "assistant behavior analysts and".

23 And that as so amended said bill do pass.

24 Respectfully submitted,
25 Bruce Rampelberg, Chair

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Arlene Kvislen, Chief Clerk

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1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Brown moved that the reports of the Standing Committees on
3 Judiciary on SB 169 as found on page 408 of the Senate Journal; also
4 Joint Committee on Appropriations on SB 9 as found on page 409 of the Senate Journal
5 be adopted.
6 Which motion prevailed.

7 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

8 HB 1047: FOR AN ACT ENTITLED, An Act to make an appropriation for the payment
9 of extraordinary litigation expenses and to declare an emergency.

10 Was read the first time and the President Pro tempore waived the referral to the standing
11 committee pursuant to Joint Rule 6D-1.

12 HB 1116: FOR AN ACT ENTITLED, An Act to authorize municipalities to impose an
13 additional sales and use tax for a limited period of time for a specified use.

14 Was read the first time and referred to the Committee on Local Government.

15 HB 1127: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning road
16 districts.

17 Was read the first time and referred to the Committee on Local Government.

18 HB 1132: FOR AN ACT ENTITLED, An Act to require the submission of sexual assault
19 kits for testing.

20 Was read the first time and referred to the Committee on Judiciary.

21 HB 1137: FOR AN ACT ENTITLED, An Act to revise the distribution of registration fees
22 from noncommercial gross weight vehicles.

23 Was read the first time and referred to the Committee on Taxation.

1 HB 1139: FOR AN ACT ENTITLED, An Act to clarify the insurer responsible for work
2 done within a railroad crossing.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 HB 1153: FOR AN ACT ENTITLED, An Act to allow parties to agree to resolve an
5 eminent domain dispute by mediation.

6 Was read the first time and referred to the Committee on Judiciary.

7 HB 1162: FOR AN ACT ENTITLED, An Act to provide for the practice and regulation
8 of midwives.

9 Was read the first time and referred to the Committee on Health and Human Services.

10 HB 1167: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
11 use of a suspended imposition of sentence for a misdemeanor and a felony.

12 Was read the first time and referred to the Committee on Judiciary.

13 HB 1169: FOR AN ACT ENTITLED, An Act to allow a school district to operate an
14 attendance center within another school district.

15 Was read the first time and referred to the Committee on Education.

16 HB 1190: FOR AN ACT ENTITLED, An Act to enhance customer convenience in
17 firearms transactions, improve public safety, and provide for the issuance of an additional
18 concealed pistol permit.

19 Was read the first time and referred to the Committee on Judiciary.

20 HB 1224: FOR AN ACT ENTITLED, An Act to facilitate participation by South Dakota
21 residents in an ABLE savings program.

22 Was read the first time and referred to the Committee on State Affairs.

23 HB 1230: FOR AN ACT ENTITLED, An Act to require lights on certain animal-drawn
24 vehicles while operating on a highway.

25 Was read the first time and referred to the Committee on Transportation.

HB 1243: FOR AN ACT ENTITLED, An Act to prohibit the unauthorized sharing of certain private images on the internet.

Was read the first time and referred to the Committee on Judiciary.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 169: FOR AN ACT ENTITLED, An Act to revise provisions related to child pornography and to revise the penalty therefor.

Was read the second time.

The question being "Shall SB 169 pass as amended?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 159: FOR AN ACT ENTITLED, An Act to provide a tax credit to insurance companies that contribute to an organization providing educational scholarships to certain students.

Was read the second time.

The question being "Shall SB 159 pass as amended?"

And the roll being called:

Yeas 24, Nays 11, Excused 0, Absent 0

1 Yeas:

2 Bradford; Brown; Cammack; Curd; Fiegen; Greenfield (Brock); Haggar (Jenna); Heineman
3 (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl;
4 Otten (Ernie); Rampelberg; Rusch; Shorma; Soholt; Solano; Tieszen; Van Gerpen; White

5 Nays:

6 Buhl O'Donnell; Ewing; Frerichs; Haverly; Heinert; Parsley; Peters; Peterson (Jim); Sutton;
7 Tidemann; Vehle

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 SB 150: FOR AN ACT ENTITLED, An Act to revise provisions related to the legislative
11 intern program.

12 Was read the second time.

13 The question being "Shall SB 150 pass as amended?"

14 And the roll being called:

15 Yeas 34, Nays 1, Excused 0, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
18 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
19 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
20 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
21 White

22 Nays:

23 Omdahl

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 SB 141: FOR AN ACT ENTITLED, An Act to revise the distribution of petroleum release
27 compensation and tank inspection fees, to provide funding for the local bridge improvement
28 grant fund, and to repeal the state capital construction fund, ethanol fuel fund, and ethanol
29 infrastructure incentive fund.

30 Was read the second time.

1 The question being "Shall SB 141 pass as amended?"

2 And the roll being called:

3 Yeas 22, Nays 13, Excused 0, Absent 0

4 Yeas:

5 Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Haverly; Heinert; Hunhoff (Bernie);
6 Monroe; Novstrup (David); Omdahl; Parsley; Peterson (Jim); Rampelberg; Rusch; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Vehle; White

8 Nays:

9 Bradford; Brown; Curd; Greenfield (Brock); Haggard (Jenna); Heineman (Phyllis); Holien;
10 Jensen (Phil); Olson; Otten (Ernie); Peters; Shorma; Van Gerpen

11 So the bill not having received an affirmative vote of a two-thirds majority of the
12 members-elect, the President declared the bill lost.

13 Sen. Vehle announced his intention to reconsider the vote by which SB 141 lost.

14 SB 156: FOR AN ACT ENTITLED, An Act to establish certain requirements and
15 protections regarding transportation network companies.

16 Was read the second time.

17 156yc

18 Sen. Vehle moved that SB 156 be amended as follows:

19 On page 12, line 18, of the Senate Transportation Committee engrossed bill, after "license"
20 insert "to be deposited in the general fund".

21 On page 14, line 8, after "allow" insert "and reasonably facilitate".

22 On page 14, line 9, delete everything after "," and insert "or by a".

23 On page 14, line 10, delete everything after "operate" and insert ", pursuant to a local
24 ordinance".

25 On page 14, line 11, delete everything before "." .

26 On page 14, line 12, delete ", city,".

27 On page 14, line 15, after "records" insert "one or two times".

28 On page 14, line 15, delete "city or".

1 On page 14, line 16, before "," insert "pursuant to the standards of this Act".

2 On page 14, line 18, after "annually" insert "to be deposited in the general fund".

3 On page 14, line 24, delete ", city,".

4 On page 15, line 8, delete "city or county" and insert "municipality".

5 Which motion lost.

6 The question being "Shall SB 156 pass as amended?"

7 And the roll being called:

8 Yeas 6, Nays 29, Excused 0, Absent 0

9 Yeas:

10 Bradford; Heineman (Phyllis); Hunhoff (Bernie); Shorma; Tieszen; Vehle

11 Nays:

12 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar
13 (Jenna); Haverly; Heinert; Holien; Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl;
14 Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Soholt; Solano; Sutton;
15 Tidemann; Van Gerpen; White

16 So the bill not having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill lost.

18 SB 100: FOR AN ACT ENTITLED, An Act to enhance South Dakota economic
19 development through broadband infrastructure improvements.

20 Was read the second time.

21 The question being "Shall SB 100 pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
3 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
4 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
5 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen;
6 Van Gerpen; Vehle; White

7 So the bill having received an affirmative vote of a majority of the members-elect, the
8 President declared the bill passed and the title was agreed to.

9 SB 162: FOR AN ACT ENTITLED, An Act to create the State Board of Internal Control
10 and to declare an emergency.

11 Was read the second time.

12 The question being "Shall SB 162 pass as amended?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

15 Yeas:

16 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
17 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
18 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
19 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen;
20 Van Gerpen; Vehle; White

21 So the bill having received an affirmative vote of a two-thirds majority of the
22 members-elect, the President declared the bill passed and the title was agreed to.

23 SB 168: FOR AN ACT ENTITLED, An Act to revise provisions related to human
24 trafficking and to provide a penalty therefor.

25 Was read the second time.

26 The question being "Shall SB 168 pass?"

27 And the roll being called:

28 Yeas 34, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
3 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
4 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
5 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tieszen; Van Gerpen;
6 Vehle; White

7 Nays:

8 Tidemann

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 SB 50: FOR AN ACT ENTITLED, An Act to revise the allocation of certain fees collected
12 by the Department of Corrections.

13 Was read the second time.

14 The question being "Shall SB 50 pass as amended?"

15 And the roll being called:

16 Yeas 28, Nays 7, Excused 0, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Haverly; Heinert;
19 Holien; Hunhoff (Bernie); Monroe; Novstrup (David); Otten (Ernie); Parsley; Peters; Peterson
20 (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

21 Nays:

22 Greenfield (Brock); Haggar (Jenna); Heineman (Phyllis); Jensen (Phil); Olson; Omdahl; Van
23 Gerpen

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 SB 9: FOR AN ACT ENTITLED, An Act to make an appropriation to fund the Native
27 American achievement schools grant program and paraprofessional tuition assistance
28 scholarship program.

29 Was read the second time.

1 The question being "Shall SB 9 pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 1, Excused 0, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
6 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
7 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
8 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
9 White

10 Nays:

11 Omdahl

12 So the bill having received an affirmative vote of a two-thirds majority of the
13 members-elect, the President declared the bill passed and the title was agreed to.

14 SB 127: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 requirements for placement of a utility facility across a railroad right-of-way.

16 Was read the second time.

17 127jc

18 Sen. Brown moved that SB 127 be amended as follows:

19 On page 2, line 16, of the Senate Transportation Committee engrossed bill, delete "forty-"
20 and insert "thirty".

21 On page 2, line 17, delete "five".

22 On page 2, line 18, remove the overstrikes from "~~completed~~".

23 On page 3, line 1, delete "Forty-five" and insert "Thirty".

24 On page 3, line 2, remove the overstrikes from "~~completed~~".

25 On page 3, line 3, remove the overstrikes from "~~unless the railroad notifies the utility in~~
26 ~~writing that the~~".

27 On page 3, line 8, delete "and" and insert "proposed crossing is a serious threat to the safe
28 operations of the railroad or to the current use of the railroad right-of-way. In all other
29 instances".

1 On page 4, line 14, overstrike "adequacy of the information contained in the".

2 On page 4, line 15, overstrike everything before "," and insert "proposed crossing due to
3 the proposal being a serious threat to the safe operations of the railroad or to the current use of
4 the railroad right-of-way".

5 On page 4, line 18, overstrike everything after "Commission for" .

6 On page 4, line 19, overstrike "crossing fee" and insert "resolution of the disputed crossing
7 application".

8 On page 4, line 19, delete "forty-five" and insert "thirty".

9 On page 4, line 21, overstrike "shall determine" .

10 On page 4, overstrike line 22.

11 On page 4, line 23, overstrike everything before "within" and insert "must issue an order".

12 On page 4, line 23, overstrike "one hundred twenty" and insert "sixty".

13 On page 4, line 24, after "petition" insert ", during which time the crossing shall be stayed".

14 On page 5, after line 1, insert:

15 " Section 7. That § 49-16A-100.8 be amended to read:

16 49-16A-100.8. If a railroad asserts in writing by certified mail return receipt requested that
17 special circumstances exist, or imposes additional requirements upon a utility for crossing its
18 lines, other than the proposed crossing being a serious threat to the safe operations of the
19 railroad or to the current use of the railroad right-of-way, the utility may object to one or more
20 of the requirements. In such event, the utility shall provide notice of the objection and the
21 specific basis of the objection to the railroad by certified mail, return receipt requested. If the
22 parties are unable to resolve the objection, either party may petition the Public Utilities
23 Commission for resolution ~~or modification of the additional requirements~~ objection within ~~sixty~~
24 ~~ninety~~ thirty days from receipt of the objection. Before filing a petition, the parties shall confer
25 in good faith in an attempt to resolve the objection. If a petition is filed, the Public Utilities
26 Commission, within ~~one hundred twenty~~ sixty ninety days of filing the petition, shall determine,
27 after notice and opportunity for hearing, whether special circumstances exist that necessitate
28 additional requirements for the placement of the crossing. The order may be appealed pursuant
29 to chapter 1-26. The Public Utilities Commission shall assess its costs associated with a petition
30 equitably against the parties."

31 Journal Corrections: See page 445 of the Senate Journal

32 Which motion prevailed.

1 The question being "Shall SB 127 pass as amended?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
6 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
7 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
8 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen;
9 Van Gerpen; Vehle; White

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 SB 124: FOR AN ACT ENTITLED, An Act to enhance South Dakota.

13 Was read the second time.

14 The question being "Shall SB 124 pass?"

15 And the roll being called:

16 Yeas 30, Nays 4, Excused 1, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Hagggar (Jenna);
19 Haverly; Heinert; Holien; Hunhoff (Bernie); Monroe; Novstrup (David); Olson; Otten (Ernie);
20 Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton;
21 Tidemann; Tieszen; Van Gerpen; Vehle

22 Nays:

23 Greenfield (Brock); Jensen (Phil); Omdahl; White

24 Excused:

25 Heineman (Phyllis)

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 125: FOR AN ACT ENTITLED, An Act to accommodate legislation relating to
29 education in South Dakota.

30 Was read the second time.

1 The question being "Shall SB 125 pass?"

2 And the roll being called:

3 Yeas 27, Nays 7, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Haggar (Jenna);
6 Haverly; Heinert; Holien; Hunhoff (Bernie); Novstrup (David); Otten (Ernie); Parsley; Peters;
7 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen;
8 Van Gerpen; Vehle

9 Nays:

10 Curd; Greenfield (Brock); Jensen (Phil); Monroe; Olson; Omdahl; White

11 Excused:

12 Heineman (Phyllis)

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 SB 126: FOR AN ACT ENTITLED, An Act to accommodate legislation on medical
16 services.

17 Was read the second time.

18 The question being "Shall SB 126 pass?"

19 And the roll being called:

20 Yeas 27, Nays 7, Excused 1, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Haggar (Jenna);
23 Haverly; Heinert; Holien; Hunhoff (Bernie); Novstrup (David); Olson; Parsley; Peters; Peterson
24 (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
25 Vehle

26 Nays:

27 Curd; Greenfield (Brock); Jensen (Phil); Monroe; Omdahl; Otten (Ernie); White

28 Excused:

29 Heineman (Phyllis)

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 President declared the bill passed and the title was agreed to.

1 There being no objection, the Senate reverted to Order of Business No. 8.

2 **MOTIONS AND RESOLUTIONS**

3 Sen. Vehle announced his intention to reconsider the vote by which SB 141 lost.

4 Sen. Vehle moved that the Senate do now reconsider the vote by which SB 141 lost.

5 The question being on Sen. Vehle's motion to reconsider the vote by which SB 141 lost.

6 And the roll being called:

7 Yeas 20, Nays 14, Excused 1, Absent 0

8 Yeas:

9 Bradford; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Haverly; Heinert; Hunhoff
10 (Bernie); Parsley; Peterson (Jim); Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann;
11 Tieszen; Vehle; White

12 Nays:

13 Brown; Curd; Greenfield (Brock); Haggar (Jenna); Holien; Jensen (Phil); Monroe; Novstrup
14 (David); Olson; Omdahl; Otten (Ernie); Peters; Shorma; Van Gerpen

15 Excused:

16 Heineman (Phyllis)

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 President declared the motion carried and SB 141 was up for reconsideration and final passage.

19 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

20 SB 141: FOR AN ACT ENTITLED, An Act to revise the distribution of petroleum release
21 compensation and tank inspection fees, to provide funding for the local bridge improvement
22 grant fund, and to repeal the state capital construction fund, ethanol fuel fund, and ethanol
23 infrastructure incentive fund.

24 Having had its second reading was up for reconsideration and final passage.

25 The question being "Shall SB 141 pass as amended?"

26 And the roll being called:

27 Yeas 21, Nays 14, Excused 0, Absent 0

1 Yeas:

2 Bradford; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Haverly; Heinert; Hunhoff
3 (Bernie); Novstrup (David); Parsley; Peterson (Jim); Rampelberg; Rusch; Soholt; Solano;
4 Sutton; Tidemann; Tieszen; Vehle; White

5 Nays:

6 Brown; Curd; Greenfield (Brock); Haggart (Jenna); Heineman (Phyllis); Holien; Jensen (Phil);
7 Monroe; Olson; Omdahl; Otten (Ernie); Peters; Shorma; Van Gerpen

8 So the bill not having received an affirmative vote of a two-thirds majority of the
9 members-elect, the President declared the bill lost.

10 Sen. Brown moved that the balance of the calendar including HB 1005, 1007, 1024, 1083,
11 1119, 1120, 1136, 1187, 1201, and 1208 be deferred to Thursday, February 25th, the 28th
12 legislative day.

13 Which motion prevailed.

14 **SIGNING OF BILLS**

15 The President publicly read the title to

16 SB 38: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning bail
17 bondspersons.

18 HB 1102: FOR AN ACT ENTITLED, An Act to allow for additional time to review certain
19 competitive sealed bids.

20 HB 1108: FOR AN ACT ENTITLED, An Act to revise certain municipal special
21 assessment provisions and to provide for exclusion of territory from municipalities.

22 HB 1117: FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning the
23 authorization for the use of other languages in public records or public meetings.

24 And signed the same in the presence of the Senate.

COMMEMORATIONS

SC 16 Introduced by: Senator Sutton and Representatives Bartling and Qualm

A LEGISLATIVE COMMEMORATION, Commending and honoring the 2015 Winner High School Football Team and the students and staff involved in the football program.

WHEREAS, the 2015 Winner High School Football Team won the State 11B High School Football Championship by virtue of their outstanding character, teamwork, and dedication to the sport both on and off the field; and

WHEREAS, the team received superior coaching and outstanding leadership guidance from head coach Dan Aaker and assistant coaches Trent Olson, Matt Chambers, Larry Aaker, Kevin Keiser, Sam Olson, and Glenn Carlson; and

WHEREAS, the members of the State Champion Winner High School Football Team for 2015 includes Riley Calhoon, Lattrel Terkildsen, Windsor Barry, Drew DeMers, Kayleb Brozik, Cameron Kuil, Avery Gilchrist, Cameron Biggins, Riley Frazier, Jayden Schroeder, Levi McClanahan, Jordan Turgeon, Chase Watson, Wyatt Ewing, Krockett Krolikowski, Chet Bryan, Rhys Middlesworth, Justus Gregg, Ryan Sherman, John Kludt, Nick Blare, Payton Antoine, Isaac Naasz, Chase Kingsbury, Matt Smither, Nathan Smither, Jonas Brill, Carter Brickman, Dalton Baker, Zach Lapsley, Brandon Volmer, Taylor Watzel, Jace King, Nolan Sachtjen, Trey Welch, Ty Bolton, Elijah Blare, Shea Connot, Damien Bingen, Logan Tunnissen, Alex Schaeffer, Chris Long Crow, Tristan Watzel, Colton Schroeder, Nick Lantz, Casey Stickland, Jerry Long Crow, Tyson Westendorf, and AJ Roubideaux; and

WHEREAS, the Winner High School Football Team was also named the 2015 prep team of the year by the South Dakota Sportswriters; and

WHEREAS, the Winner High School Warriors 2015 Football Team is recognized for their teamwork, hard work, and incredible dedication, which led them to victory in the State 11B Football Championship against the Tri-Valley Mustangs, as well as a 12-0 season:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the State of South Dakota, that the Winner High School Football Team be commended for their athletic excellence in the 2015 football season.

SC 17 Introduced by: Senators Hunhoff (Bernie), Bradford, Frerichs, Heineman (Phyllis), Rusch, Shorma, and Sutton and Representatives Hunhoff (Jean), Bartling, Bordeaux, Feickert, Gibson, Hawks, Hawley, Killer, Kirschman, McCleerey, Ring, Schrempp, Soli, and Stevens

A LEGISLATIVE COMMEMORATION, Honoring Laurie Visser as South Dakota's 2016 Mother of the Year.

1 WHEREAS, Laurie Visser is known throughout the greater Yankton community as a
2 wonderful and caring wife, nurse, and friend who is very involved in her church, community,
3 and family life; and

4 WHEREAS, Laurie is a mother of three, stepmom to one, and a surrogate mother for a
5 couple who wished to grow their own family but were unable to do so without her assistance;
6 and

7 WHEREAS, complications with the surrogate pregnancy limited her to bed rest for much
8 of the term; however, Laurie made another family's dream come true because of her loving and
9 generous heart; and

10 WHEREAS, she has been selected South Dakota Mother of the Year by American Mothers
11 Inc., the official sponsor of Mother's Day and the Mothers of the Year program; and

12 WHEREAS, South Dakota was the first state in the nation to officially proclaim Mother's
13 Day through a proclamation on April 9, 1909, by Governor Robert Vessey, a full five years
14 before President Woodrow Wilson created the first national Mother's Day in 1914:

15 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the
16 State of South Dakota, that the Legislature recognizes Laurie Visser and applauds her for the
17 beautiful example she sets for motherhood both in our great state and across this nation.

18 Sen. Olson moved that the Senate do now adjourn, which motion prevailed and at
19 4:42 p.m. the Senate adjourned.

20 Kay Johnson, Secretary

